

Remarks

The Examiner deems the Declaration defective because one of the inventors does not identify the state of residence and there is a non-initialed alteration made to the Declaration. As noted by the Examiner, the state of residence information may be provided on an Application Data Sheet. As such, an Application Data Sheet, filed in accordance with 37 C.F.R. § 1.76, is enclosed herewith which sets forth the state of residence for Antonio C. Torres. Regarding the non-initialed alteration, Guy O. Bargnes was simply correcting the month as he signed the declaration. The signature date is clearly expressed as September 10, 2000. 37 C.F.R. § 1.52(c) and MPEP §§ 602.01 and 602.02 speak to non-initialed alterations to the declaration itself after the declaration is signed. It is respectfully submitted that the correction to the date of the declaration is of such a minor character that a substitute declaration is not necessary. However, if the Examiner maintains the position that a substitute declaration is necessary, Applicant can provide a substitute declaration for Guy Bargnes.

The specification has been amended to correct the headings, ensure consistent use of terminology, and to ensure consistent use of reference numerals. Portions of the specification have also been amended to coincide with the newly added claims. No new matter is being introduced.

As set forth above, Figure 5 of the drawings has been amended to incorporate reference numeral 304. Reference numeral 304 relates to a data structure 304 which is discussed in the specification as originally filed. Formal drawings are also being submitted herewith. Again, no new matter is being introduced.

Claims 4, 10-11, 14-16, and 35-48 remain in the application with only Claim 35 being in independent form. Claims 1-3, 5-9, and 12-13 have been cancelled. Claims 17-34 were previously cancelled in response to a restriction requirement. Claims 4, 10-11, and 14-16 are amended and Claims 35-48 have been added.

Claims 1-16 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In addition, Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has cancelled independent Claim 1 and dependent Claims 2-3, 5-9, and 12-13. Many of these claims, including the independent

claim, have been redrafted to overcome the § 101 and § 112 rejections. As such, these rejections are believed overcome.

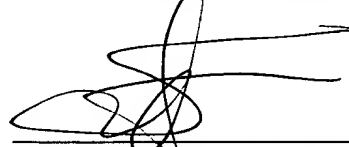
Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stellix (version 1.4 and version 2.1), as disclosed in two ADP Collision Repair Services articles. Claim 7 is deemed allowable if rewritten to overcome the rejections under 35 U.S.C. §§ 101 and 112 and to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the allowance of dependent Claim 7. In accordance with this allowance, and in order to overcome the §§ 101 and 112 rejections, independent claim 35 has been added. Independent Claim 35 includes the substantive limitations from allowed dependent Claim 7, intervening previous dependent Claim 2, and previous independent Claim 1. Independent Claim 35 also includes revised language in order to clarify the steps of the unique method and pinpoint the novelty of the subject invention. The combination of steps set forth in independent Claim 35 is believed allowable. Dependent Claims 36-48 are also believed allowable as these claims depend from the unique features of independent Claim 35. Further, many of the newly added dependent claims set forth additional unique features not found in the prior art of record.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



Date: February 18, 2004

Samuel J. Haidle, Registration No. 42,619
The Pinehurst Office Center
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MI 48304-5151
(248) 645-1483

CERTIFICATE OF MAILING

I hereby certify that the attached **Amendment** is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 18, 2004.


Brenda J. Hughes

G:\b\BASFAutoCoatings\ip00046\patent\Amendment.doc

RECEIVED
FEB 25 2004
GROUP 3600